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SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 1 February 1990, at 10 a.m.

Chairman: Mrs. QUISUMBING (Philippines)

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The meeting was called to order at 10.20 a.m.

STATEMENT BY H.E. THE SECOND VICE-PRESIDENT OF THE REPUBLIC OF THE SUDAN

1. Colonel MOHAMED EL AMIN KHALIFA (Second Vice-President of the Republic of the Sudan) said that his Government followed the Commission's deliberations and ceaseless efforts for the observance of human rights and consolidation of the two paramount values, justice and equality, valued by all mankind. Without going into detail about the Commission's achievements, it was clear that its efforts depended on international public opinion on the one hand and, on the other, the indispensable commitment of Governments to respect and implement human rights.
2. In that connection, mutual co-operation with non-governmental organizations should be pursued and strengthened, with a view to enhancing peace and wider economic co-operation, in furtherance of the efforts to establish a new economic order and protect the economic, social and cultural rights of individuals and peoples.
3. The Sudanese Government and people requested the Commission to participate in their monumental task of bringing about peace and stability in their country and throughout Africa, defending the dignity of man, preserving fundamental rights and uniting against the disease, hunger and deprivation which had afflicted that part of the world for so long.
4. In the Sudan, the era following the overthrow of the Nueri régime by the popular uprising in April 1985, backed by the People's Armed Forces, had been characterized by the proliferation of political parties and successive Governments. The resultant political instability had led to sectarianism and civil strife in the southern and western parts of the country, until the People's Armed Forces had deemed it their duty to support the Revolution for National Salvation, launched on 30 June 1989.
5. From the earliest moment, the Revolution had announced a number of peace-promoting measures, including a cease-fire, a general amnesty and the continuation of relief operations in zones controlled by government and rebel forces. At a meeting between the two sides at Addis Ababa, Ethiopia, in August 1989, agreement had been reached on a cease-fire, direct contact between the two sides, continued delivery of food relief supplies to all areas affected by the fighting, and cessation of propaganda campaigns. Unfortunately, the rebel movement had broken its commitments from the outset, continuing to wage hostilities against civilians and the People's Armed Forces.
6. The civil war dated from 1955, one year prior to the country's independence from the condominium rule. The current fighting, led by Dr. John Garang's movement, had begun in May 1983. During the interim period from April 1985 to June 1989, numerous peace initiatives had failed not only because they were unsound - for one thing, the Garang movement had never recognized any of the successive Governments of the Sudan since April 1985, trying instead to negotiate with each political party or group separately - but also because of over-emphasis on procedural matters and the narrow, conflicting aims of the various parties, which the rebel movement had cleverly exploited. Moreover, most of the initiatives had lacked legal or political

foundation; some might have been intellectually and morally persuasive, but issues of war and peace were unquestionably the prerogative of sovereign States and Governments.

7. In the light of the situation, the Revolution for National Salvation had decided to seek, through dialogue, a national consensus with a view to deciding a suitable form of government for all the country's regions. The National Dialogue on Peace Issues, in which people from all regions, including academicians, businessmen, tenants, workers, politicians and former military officers had been included, had begun its deliberations on 9 September 1989 and submitted its final reports and recommendations on 21 October.

8. Dr. Garang had declined an invitation to attend or to send a representative, despite a personal invitation and safety guarantee issued by the President of the Revolutionary Command Council, Lieutenant-General Omer Hassan Ahmed El Beshir. Nevertheless, some of the rebel movement's advocates and sympathizers had participated.

9. The outcome of the frank and free dialogue, which had lasted more than 40 days and involved 106 participants, had been a recognition that the real issues at stake in the conflict were the sharing of power, national revenues and resources, preservation and development of cultural pluralism, diversity within the context of national unity, the relationship between State and religion, particularly in sources of legislation, and a national identity transcending language and religion.

10. It had been concluded that religion and language did not, despite exaggeration by the Garang movement and the international mass media, currently constitute root causes of the problem. Indeed, 3 1/2 million citizens from the south had moved, because of the war, to the north where Islam and Arabic predominated; a few had fled to neighbouring countries, and had done so simply because they had not been able to make their way northwards - a situation different from that prior to 1972. The displaced citizens had been received in a spirit of tolerance and solidarity. However, their presence had begun to overtax facilities in the capital, was hampering efforts towards security and stability and threatened the cultural and regional identity of the young displaced persons.

11. The participants in the National Dialogue had recommended a federal form of government, based on territorial integrity and national unity without forfeiting cultural pluralism and diversity. They had proposed specific formulae for the sharing of power, national revenue and resources. The solutions put forward relating to the State and religion, particularly on the issue of legislation, were flexible and practical; under the proposed federal system, each State would be free to exempt itself from any legislative provisions it deemed to be of purely religious origin.

12. The Government of the Sudan thus had, for the first time, a comprehensive working programme for solving the problems of southern Sudan and the country as a whole. The Government of the Revolution for National Salvation had adopted, on 21 October 1989, the Final Report and Recommendations of the National Dialogue on Peace Issues; the recommendations had become the Government's Peace Project, currently submitted to the Commission.

13. At the second round of peace talks, held at Nairobi, Kenya, from 30 November to 5 December 1989, reasonable progress had been made. The two sides had agreed that the recommendations constituted a constructive basis for solving the country's problems; they had agreed on the convening of a national constitutional conference in order to draft a permanent constitution, and on procedures to ratify the latter. It had also been agreed to resume peace talks as soon as possible.
14. Despite those talks, however, the rebel movement had immediately resumed hostilities. Its actions against innocent civilians had been attested to not only by the Government but also in a report by Amnesty International in December 1989.
15. He took the opportunity to confirm to the Commission the Revolution's respect for the fundamental rights of Sudanese citizens. The country welcomed all who recognized reality, and was apprehensive only of those who bore ill-will. In the six months since the Revolution had come to power, all political detainees had been freed, with the exception of those facing specific criminal charges. Those so held would be fairly tried and released if found not guilty.
16. The Commission would surely reject fabricated and prejudicial reports to the contrary, and was invited to follow the example of foreign representatives in the Sudan. Its members were welcome to visit the Sudanese prisons and see for themselves how political prisoners were treated. Sudan upheld with the utmost strictness the independence of the judiciary and academic, scientific, trade union and public service freedoms. No citizen was censured because of former political affiliations, ethnic origin, political convictions, religion or belief, or prosecuted without due process of law. Certain elements which sought to distort the situation did so because they could no longer profit by their former corrupt practices and exploitation. But such persons were free to join the ranks of honest citizens if they so wished.
17. He reaffirmed the Sudan's solidarity with the peoples of Africa in their struggle, and its full support for the Declaration on Apartheid and its Destructive Consequences adopted by the General Assembly at its sixteenth special session. It reiterated that negotiation with the supremacist white régime of South Africa was meaningless until all political detainees of the black majority, foremost among them being Mr. Nelson Mandela, were released, all the laws which provided for the repugnant policy of apartheid were repealed and all restrictions on freedom of movement emanating from that policy were cancelled. The Sudanese people believed that any economic support and assistance for the white supremacist régime constituted support and assistance for the aggressive policy of apartheid. The latter, an insult to the dignity and humanity of Africans, should be totally abolished.
18. The Sudan also declared its solidarity with the newly born Palestinian State and its commitment to peace in the Middle East. Those who had to throw stones to defend their homeland and liberty against the merciless Zionist war machine deserved respect, solidarity and assistance.
19. The Sudan welcomed the victory of the peoples of eastern Europe, saluting their determination to restore their freedom. It also welcomed Namibia's confident steps towards independence, congratulated SWAPO on its victory in the general elections, and called on the international community to support all steps to ensure the complete success of Namibia's independence.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1990/3, 4 and 59; A/44/352 and 599)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1990/10, 11 and 58; E/CN.4/1990/NGO/8 and A/44/526)

20. Mr. PAGAC (Observer for Czechoslovakia) said that the situation in the Middle East had been critical for an excessively long time and increasingly contradicted the world's main development trends. The human rights record of the region continued to be alarming, and the Special Committee's report (A/44/599) spoke eloquently of the systematic violation of the Palestinian people's human rights.

21. His Government, bearing in mind the fact that one of the main principles of its foreign policy was the defence of moral values, and respect for the rights and freedoms of individuals and nations, in international relations, would decisively support measures leading to fulfilment of the rights and interests of all the nations of the region.

22. It had been convincingly demonstrated, for over 20 years, that there was an urgent need to resolve the status of the Palestinian people in the West Bank and Gaza Strip, having regard to the natural interests of Palestinians and Israelis alike. While the Israeli Government's main aim was understandably to ensure Israel's security, no lasting and equitable settlement was thinkable without respect for the legitimate interests and rights of all the region's nations, including the Palestinian people's right to self-determination and to an independent State.

23. There was no doubt, moreover, that the Palestine Liberation Organization (PLO) should be internationally acknowledged as that people's representative; recent positive changes in the PLO's position would facilitate the search for a solution to the Middle East situation.

24. President Mubarak of Egypt had proposed a valuable initiative aimed at strengthening aspects of the parties' standpoints in seeking a solution to the crisis. Elections in the occupied territories could be an appropriate step towards a comprehensive settlement, but should be part of a wider process. The key to the solution could be an international conference, under United Nations auspices, which could secure the interests of all the parties. Czechoslovakia had recently opened negotiations with Israel on the resumption of diplomatic relations; in that way, it might possibly be able to exert influence in a more balanced way and help to create an atmosphere which would lead to a lasting solution.

25. The question of the right to self-determination, for many years a major item on the Commission's agenda, was one of the basic elements in current international relations, being a prerequisite for the full and free development of a nation. Denial of that right by any State to its own or other nations not only involved mass violations of human rights but created dangerous tension. The United Nations played an indispensable role in efforts to assert that right, and its work deserved high esteem.

26. Major strides had been taken since the Commission's forty-fifth session; with the Organization's assistance, the world had been moving toward eliminating the last remnants of the repugnant colonial system. The welcome progress made towards achieving Namibia's independence had Czechoslovakia's full support and active participation. In the Republic of South Africa, certain positive steps indicated that, there too, the black majority, after years of oppression and injustice, would be able to realize, equally with the other inhabitants, its right to self-determination.

27. Some progress had also been made towards a solution of the Cambodian problem; and negotiations, between the parties involved in the Western Sahara, with the assistance of the Secretary-General, had resulted in a promising plan for a peaceful solution. With regard to Afghanistan, constructive negotiations had led to the Geneva Agreements and the subsequent withdrawal of Soviet Troops. Although the country was still suffering from conflict, the Afghan people would surely be able to overcome current contradictions and determine its own form of government and development; Czechoslovakia would support the Afghans in that effort.

28. Implementation of the right to self-determination was a very dynamic process. In the last months of 1989, the Czech and Slovak nations, and the nations of other eastern European countries, had faced up to their Governments and the existing social systems and secured some important changes. In Czechoslovakia, a new President had been elected, and a new Government of national understanding had been appointed; a one-party monopoly had been replaced by pluralism. Parliament had been changed so as to represent a more realistic composition of the forces in society. Laws would be adopted to secure full implementation of human rights and freedoms, and the country was being prepared for free elections, to take place in the middle of the year.

29. Czechoslovakia would always support United Nations activities directed to the fulfilment of the right of nations to self-determination.

30. Mr. VASSILENKO (Ukrainian Soviet Socialist Republic) said that the problem of national self-determination affected all States and related to the rights both of peoples and of individuals. The process of self-determination was endless and was demonstrated in the choice by peoples of the forms of social and State organization which met their basic requirements.

31. The best confirmation of that was the choice currently facing the peoples and States of Europe, from the Atlantic to the Urals. The idea of the creation of a European confederation put forward by President Mitterrand of France served as a reference point in that regard. His delegation considered that an idea of a confederation of a united Europe, created on the basis of a genuinely free choice, with that of a common European home, put forward by the President of the Supreme Soviet of the USSR, should consist of all European States, including the republics of the European part of the USSR.

32. Experience showed that any infringement of the principle of the self-determination of peoples in any part of the world was always accompanied by violations of human rights, gave rise to dangerous regional conflicts, and created a threat to the international legal order as a whole.

33. As things stood, the exercise of the principle of self-determination in individual regions of the world was taking place, although not smoothly. It was possible to refer to the exercise by the people of Namibia of the right to self-determination, with the support of the United Nations and the entire international community. His delegation congratulated the people of Namibia on its victory in the difficult and just struggle for the attainment of independence.

34. Unfortunately, the conditions to ensure genuine self-determination by the indigenous inhabitants of the Republic of South Africa as well as by the peoples of many Non-Self-Governing Territories, had not yet been created. A particularly alarming instance of the flagrant and cynical trampling of the principle of self-determination of peoples was the situation obtaining in the Palestinian and other Arab territories occupied by Israel since 1967. The inhuman measures applied by the occupation régime in the Palestinian lands flagrantly violated generally accepted international legal standards and numerous resolutions of the Security Council and the General Assembly.

35. Israel seemed to assume that time was on its side and that the opposition to its expansion would weaken. However, the opposite had occurred. The intifadah had definitively destroyed the efforts made over more than 20 years to persuade world public opinion of the so-called benefits of the Israeli occupation and of the Palestinians' acceptance of it. The Palestinian uprising had become a clear indication that the status quo could not be maintained. At the same time, it had become a catalyst for serious changes in the Middle East.

36. A glimmer of hope had appeared for the achievement of agreement and the restoration of normal living conditions in the region. He was referring primarily to the decisions of the nineteenth session of the Palestinian National Council in favour of a political settlement based on coexistence with Israel and the granting to the Palestinian people of the possibility of exercising its right to self-determination. The Palestine Liberation Organization and its leaders confirmed through their actions their determination to proceed along the path they had chosen.

37. His delegation noted with satisfaction that the struggle of the Palestinian people for their inalienable rights had entered a new phase with the proclamation of the State of Palestine, which was recognized by more than 90 countries.

38. His Government stressed the need for a comprehensive political settlement which must resolve the territorial, political humanitarian, military and legal aspects of the conflict on a mutually acceptable basis. In its opinion, the most appropriate forum for seeking mutually acceptable solutions to all aspects of the Middle East conflict was an international conference with the participation of all interested parties, including the PLO, the sole legitimate representative of the Palestinian people. To that end, it was necessary to activate the machinery of the Security Council, and make maximum use of the peace-making potential of the United Nations and the Secretary-General in order to ensure the co-operation of the parties concerned.

39. An important factor conducive to the success of the preparatory stage would be the initiation of a direct dialogue between the PLO and Israel. His delegation renewed its appeal to the Government of Israel to join in the

international consensus in favour of comprehensive international efforts aimed at a just and durable peace in the Middle East which would meet the interests of all States and peoples of the region, including those of the State of Israel and its people. The Commission could also make a contribution to the solution of the Palestinian problem through the adoption of an appropriate resolution.

40. His Government was in favour of a prompt and just resolution of the Palestinian problem, the granting to the Palestinian people of the right to self-determination and the immediate end to the human rights violations in the long-suffering land of Palestine.

41. In conclusion, he stressed that any attempts to hamper the exercise by the people of Palestine or any other people of its right to self-determination was not only unlawful but also doomed to failure. Only the creation of conditions for free self-determination could ensure the well-being of all peoples of the earth and full respect for human rights.

42. Ms. ANDREYCHUK (Canada) said, with regard to the human rights situation in the Arab territories occupied by Israel, that her Government remained concerned not only at the continued abuse of the human rights of the Palestinians but also at the dangerous cycle of violence which threatened to expand the conflict, involving ever more victims on both sides and erecting new obstacles to building a peaceful future. Even Canada was not immune to the effects of that violence, as was evidenced by the tragic deaths of two Canadian women and the wounding of a Canadian journalist in 1989. She stressed that her country's concern was rooted in its friendship for Israel and in the profound conviction that human rights and the principles of international law must be respected.

43. Despite much constructive diplomatic activity among the main parties involved, with the assistance of the United States and Egypt, a comprehensive negotiating solution to the Arab-Israeli dispute still eluded the international community. Such a settlement must encompass the legitimacy of Israel, the rights of the Palestinian people, and settlement of the wider conflict with Arab States.

44. The reports of the Secretary-General, UNRWA and various international bodies painted a bleak picture and testified to the continued abuse of the human rights of the Palestinian people in the West Bank and the Gaza Strip.

45. Canada's support for Israel's right to exist and for its security was well known. Israel's responsibilities in the territories occupied by it since 1967 were set out in the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention) and the International Covenants on Human Rights. Canada, like Israel, was a contracting party to the Convention in question and urged Israel once again to accept the principle of its formal applicability to the occupied territories.

46. Her Government had previously stated its abhorrence of acts of vigilantism, whether carried out by groups of Israelis residing in the territories or by Palestinians. Her delegation noted the statement by the Government of Israel that its civilians should not interfere in the maintenance of order and called on that Government to take the necessary

steps to enforce such non-interference strictly. She urged the Palestinian leadership to denounce and prevent its population from carrying out acts of violence against other Palestinians.

47. The situation in the occupied territories had improved in a few areas. In that regard, her delegation noted recent attempts by the Israeli authorities in the Gaza Strip to avoid provocative situations and the reopening of schools in the West Bank.

48. Her Government had made known its opposition to the cases of deportation of Palestinians in 1989. Such expulsions were illegal under the Convention and brought upheaval in their wake. It had noted with great concern the continuation of various forms of collective punishment by the Israeli authorities, in clear violation of the provisions of the Convention. The imposition of severe economic measures, such as those applied in Beit Sahour, by the Israeli authorities created situations in which both sides lost.

49. With regard to the treatment of Palestinians in Israeli custody, especially the methods used in interrogation, her delegation called upon Israel to abide by the standards laid down in the Fourth Geneva Convention and review cases where mistreatment was alleged.

50. It was essential for Israel to ensure that the guidelines which dictated the activities of the Israeli security forces in the territories were compatible with the Fourth Geneva Convention and other international human rights standards. It must demonstrate its commitment to respect such basic guidelines and, where they were transgressed, see to it that justice was done.

51. Her delegation urged that the critical work of the International Committee of the Red Cross and UNRWA, which commanded the respect of the international community as the lead agencies providing access to such basic human rights as health, education and food to the Palestinians, be facilitated.

52. In conclusion, in the aftermath of the adoption of the Convention on the Rights of the Child, she stressed the need for all to pay particular attention to the situation of Palestinian children under Israeli occupation, who had increasingly become the victims of violence and collective punishment.

53. Mr. LEPRETTE (France) said that, more than two years after the beginning of the Palestinian uprising, his delegation was greatly concerned at the continuing tense situation in the Arab territories occupied by Israel. It noted with alarm the deterioration in the living conditions of the inhabitants of those territories owing to the climate of violence prevailing there and the numerous violations of human rights for which the occupying Power bore responsibility.

54. As it had done on several occasions, his Government wished to make it clear that The Hague Convention of 1907 and the Geneva Convention relative to the Protection of Civilian Persons in Time of War were applicable to the territories occupied by Israel since 1967. It deplored the persistent refusal of the occupying Power to comply with its obligation under international law to ensure the protection, and security of the populations concerned.

55. His Government had never ceased to speak out against the unduly excessive nature of the means employed by the occupation forces and had expressed its disapproval of the expulsion measures taken against many inhabitants of the occupied territories. The use by the occupation forces of plastic bullets in circumstances which frequently made them deadly was a serious source of concern. In particular, his Government deplored measures such as the destruction of houses, the imposition of curfews, and economic sanctions.

56. In general, his Government reaffirmed the right of the people of the occupied territories to enjoy the conditions necessary for their development, particularly in the field of education and health, and intended to make a contribution to that end in terms of increased humanitarian assistance both unilaterally and through the European Community. In that connection it wished to stress the importance of ensuring that the organizations responsible for the provision of humanitarian aid in the occupied territories were able to do their work without let or hindrance.

57. The seriousness of the current situation in the occupied territories strengthened his Government's conviction that only a comprehensive political settlement of the conflict in the Middle East could put an end to the suffering of the population of the occupied territories. Consequently, it was essential to avoid any unilateral measures such as the settlement of new immigrants in the occupied territories. His Government's position on that subject was well known and was based on two inextricably linked principles: the right of all States in the region, including Israel, to live within secure, recognized and guaranteed boundaries; and recognition of the legitimate rights of the Palestinian people, in particular its right to self-determination, including the establishment of a State.

58. His Government welcomed the ongoing efforts to establish a dialogue between the parties and considered that such efforts could constitute a useful preparation for the holding of an international conference, the most appropriate way of achieving a just and durable comprehensive settlement.

59. Mr. FAN GUOXIANG (China) said that the past year had witnessed some important and positive changes in the situation in the Middle East. Since November 1988, in particular, when the State of Palestine had been established, the Palestine Liberation Organization (PLO) had adopted a series of flexible and business-like policies and concrete measures for the promotion of the Middle East peace process, thereby winning widespread support in the international community.

60. It was regrettable that, as one of the parties to the Arab-Israeli conflict, the Israeli authorities had remained indifferent to the sincere desire expressed by the PLO for a peaceful settlement of the Palestinian question and continued to refuse to recognize the legitimate national rights of the Palestinian people and to enter into a dialogue with the PLO.

61. His delegation was even more concerned at the fact that Israel had increased its repression of the Palestinians and other Arab peoples in the occupied territories and was violating the human rights of the inhabitants of those territories. According to the report of the Special Committee to

Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, the repressive measures carried out by the Israeli authorities included killing, imprisonment, deportation and demolition of the houses of Palestinians.

62. In order to suppress the Palestinian intifadah the number of Israeli police had been doubled in the occupied territories in 1989. The Israeli authorities had even gone so far as to make it difficult for UNRWA to carry out humanitarian relief operations in the territories.

63. The violations of human rights by the Israeli authorities were contrary to the provisions of the Charter of the United Nations and the International Covenants on Human Rights and contravened the relevant United Nations resolutions and the Fourth Geneva Convention, to which Israel was a party.

64. Israel's actions were diametrically opposed to the efforts being made by the PLO and the international community to achieve peace. Its recalcitrant policy of aggression and human rights violations was the root cause of the long-standing Middle East problem and had been strongly condemned by the international community. The intifadah by the Palestinians in the West Bank and the Gaza Strip was entering its third year. Despite the barbarous oppression of the Israeli authorities, the Palestinian people persevered in their struggle, thus giving expression to their determination to regain their legitimate rights and reminding the international community of the urgent need to find a solution to the Middle East question.

65. His Government and people had consistently supported the just cause of the Arab countries and the Palestinian people and had always been opposed to the Israeli policy of aggression and expansion. In their view, Israel must cease its suppression of the Palestinian people in the occupied territories and withdraw so that the Palestinians could return to their homeland, establish their own State and enjoy the right to self-determination and other human rights.

66. His delegation wished to see mutual recognition between the State of Palestine and the State of Israel, and peaceful coexistence between the Arab and Jewish peoples. It called on the Israeli Government to recognize the facts and in keeping with the times, to change its rigid position and establish a direct dialogue with the PLO. It also urged Israel to participate in a United Nations-sponsored international peace conference on the Middle East to be attended by the five permanent members of the Security Council and all the parties concerned, so that a comprehensive, fair and durable solution to the Middle East issue could be found through political channels.

67. Ms. HEMPEL KIPP (Sweden) said that the human rights situation in the Palestinian territories occupied by Israel remained a source of grave concern. People were still being killed and maimed, detained and deported, harassed and humiliated, and the destruction of houses and crops continued. Particularly disturbing was the brutal treatment of children and students in violation of their basic human rights and the denial of their right to an education to develop one of the few resources that the Palestinians had. Certain representatives of the occupying Power had asserted that the Palestinians deliberately sent their children into the streets to fight while the adults remained behind, but that was no excuse for shooting children.

68. Israel must abide by its obligations as an occupying Power. It had been argued that the Palestinian territories were not occupied, but only administered and that therefore the Fourth Geneva Convention did not apply. If that were true, it would simply mean that normal peace time rules governing human rights applied, an interpretation which would be no less damaging for Israel.

69. One particularly disturbing aspect of the reports on human rights violations in the occupied Palestinian territories was that abuse and brutality did not appear to be accidents, individual cases or administrative blunders but constituted a deliberate policy. Such a situation was unacceptable.

70. Her Government had repeatedly appealed to the Israeli Government to declare that it had no intention of remaining in the territories taken by force in 1967. The intifadah had shown that the Palestinian people would not submit to Israel's occupation. Israel's continued violation of the Palestinian people's human rights must again be condemned. For the sake of peace and democracy and in the interest of the Israeli and Palestinian peoples, she called upon the Israeli Government to abandon its policies forthwith.

71. The Paris Conference on Cambodia in August 1989 had been useful in that it had brought together all the parties concerned and had mapped out the problems that must be resolved in order to bring about a durable settlement. Her Government was pleased that, as far as could be ascertained, the Vietnamese troops had left Cambodia, but it deplored the continuous fighting that had been taking place ever since.

72. The Cambodian people must be given the right to decide its own future in free and fair elections, and to that end, peace must be restored. The agreement recently reached by the five permanent members of the Security Council to enhance the role of the United Nations in the peace process was thus to be welcomed. It was to be hoped that that initiative would be followed by other meetings with a wider participation.

73. However, even with an enhanced role for the United Nations during a period of transition before free and fair elections, a grave danger remained. There was no reason to believe that Pol Pot and his supporters had changed their attitude as reflected in the ideology they had put into practice in 1975-1979. A political solution to the Cambodian problem must therefore include guarantees and mechanisms that would effectively prevent the Pol Pot group from regaining power by force. Any settlement must also be such as to prevent a return to the universally condemned policies and practices of the Khmer Rouge.

74. Mrs. RICO (Spain) said that, without a comprehensive political solution to the Middle East conflict, there could hardly be substantial progress in the human rights situation in the occupied territories. The vast majority of the members of the international community agreed that the keys to a peaceful settlement included the right of all States in the region, including Israel, to existence and security, and the right of the Palestinian people to self-determination. The appropriate means of achieving those ends was the

convening of an international conference under United Nations auspices, with the participation of the parties concerned, including the Palestine Liberation Organization (PLO). The European Community had once again made its position clear in that regard through the Madrid Declaration adopted in June 1989.

75. Although there had been some encouraging steps recently towards the creation of a climate in which a solution might be possible, the principal parties concerned, particularly Israel, should redouble their efforts and display a clear political will to overcome the existing obstacles. She was concerned at the statements made by some Israeli spokesmen regarding the possibility that Jewish emigrants from the Soviet Union might be settled in the occupied territories, a move which would constitute an additional major obstacle to the peace process.

76. Regrettably, there had been no improvement in the human rights situation in the occupied territories. More than two years after the beginning of the intifadah, the occupation authorities continued to respond with indiscriminate repression, and the number of victims, chiefly minors, had increased. The Israeli authorities had also maintained the policy of deporting Arabs, while the influx of Jewish settlers continued unabated, giving rise to speculations concerning covert annexation intentions on the part of the occupying authorities.

77. It was necessary to reiterate, in the face of denials by the Israeli authorities, that the Fourth Geneva Convention applied to the territories in question, and to condemn in the strongest terms the various violations of that Convention, such as collective punishments, the demolition of houses and the confiscation of property.

78. The deterioration of health care and education in the occupied territories was also a matter of concern. Her Government had made representations to the Israeli Government in connection with the closing of universities. She also deplored the constant obstacles faced by UNRWA officials in carrying out their humanitarian duties. Her Government intended to continue giving substantial financial support to UNRWA activities in the region.

79. She called upon the Israeli authorities to engage in the search for a dialogue, comply with the humanitarian obligations incumbent upon them under the international instruments in force and renounce the spiral of violence and repression.

80. Turning to agenda item 9, she said that the right to self-determination, as embodied in General Assembly resolution 1514 (XV), was one of the corner-stones of the United Nations. In 1990, the international community would finally be able to welcome the Namibian people's accession to full independence. Her country, which had participated actively in the United Nations Transition Assistance Group (UNTAG), expressed its best wishes for the prosperity and well-being of the people of Namibia, in the conviction that human rights would be fully respected once the illegal South African occupation had ended.

81. Her Government looked forward to a successful outcome of the process of self-determination in Western Sahara, through the holding of a referendum accompanied by appropriate international guarantees. The renewal of direct

contacts between the Government of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (POLISARIO Front) would be very beneficial to that end.

82. During the previous year, after repeated calls by the international community, foreign troops had finally been withdrawn from Afghanistan and Cambodia. However, the peoples of those countries had not yet fully exercised their right to self-determination.

83. In Afghanistan, in view of the demonstrated failure of a military solution, it was urgent to establish a broad-based, representative Government through political negotiation, and to create conditions for the ultimate return of all refugees to their country.

84. In the case of Cambodia, all the parties concerned should redouble their efforts to reach a negotiated political solution which would promote the well-being and freedom of the Cambodian people. The United Nations should be directly associated with the implementation of any settlement reached.

85. Mr. ENDREFFY (Hungary) said that his country attached paramount importance to human rights and fundamental freedoms, considered them to be universal values and was firmly convinced that human rights were a legitimate concern of the international community. The protection and enjoyment of human rights had been given a very high priority in the ongoing process of profound democratic renewal of Hungarian society. For those reasons, his Government valued highly its membership of the Commission, which played a constructive role in strengthening international co-operation in the field of human rights.

86. With regard to agenda item 4, it was regrettable that recent improvements in the international climate had not extended to the Middle East. The Israeli occupation of Arab and Palestinian land continued, as did the popular uprising against it. That state of affairs adversely affected all aspects of life in the region, most notably the human rights of the Palestinian population in the occupied territories. The period under consideration had been marked by a further increase in the frequency and intensity of daily incidents, resulting in the violent deaths of hundreds of civilians and in thousands of injuries. The deportation of Palestinians from the occupied territories continued, as did other violations of the Fourth Geneva Convention of 1949. It was particularly disturbing that Israel had continued with its settlement policy, aimed at changing the demographic pattern of the territories in question. Severe limitations had been imposed on the freedoms of expression, association and worship. His Government deplored those human rights violations and expressed its solidarity with the just struggle of the Palestinian people for the full enjoyment of their rights.

87. Such a goal could be achieved only through the negotiation of a comprehensive, just and lasting settlement of the Arab-Israeli conflict. To that end, he favoured the convening of an international conference, with the participation of all the parties concerned, to secure the inalienable rights of the Palestinian people, including the right to establish their own independent State, as well as to guarantee the right of Israel to live in peace within internationally recognized boundaries. It was necessary to do away with the unhelpful ideological constraints and approaches of the past and tackle the problem with realism and pragmatism.

88. Mr. STEEL (United Kingdom), referring to agenda item 4, said that his Government attached the utmost importance to respect for human rights in the occupied territories and in all parts of the world. Without respect for human rights, there could be no lasting peace, whether in the Middle East or elsewhere. No solution to the problems of that region could be regarded as realistic unless it was based on full respect for all the human rights of the Palestinians, including their right to self-determination, as well as the right of Israel to exist within secure and recognized boundaries.

89. Before any lasting peace could be achieved, it was essential to create a better climate of trust and mutual confidence between Israelis and Palestinians. A major obstacle to the creation of such a climate was Israel's continuing refusal to acknowledge that the provisions of the relevant international agreements were applicable to the occupied territories. His Government, like those of the other members of the European Community, was convinced that The Hague Convention of 1907 and the Fourth Geneva Convention of 1949 were applicable.

90. His delegation was therefore seriously concerned at the many Israeli practices and policies which contravened those Conventions, such as the creation of settlements in the territories in question in contravention of article 49 of the Fourth Geneva Convention; the violation of individual rights, in contravention of article 27 of that Convention; the widespread and indiscriminate use of administrative detention; and the deportation of Palestinians from the territories and refusal to accept the return of persons previously deported. He called upon the Government of Israel to honour its obligations and abandon such harsh practices.

91. The situation in the occupied territories had deteriorated in recent years, with no end in sight to the current unrest. He urged the Israeli Government, which was responsible for law enforcement in those territories, to discharge its responsibilities in a humane and non-inflammatory manner. Civilian resistance to the occupation would only intensify if repressive measures continued to be used. A recent report published by Amnesty International drew attention to the shooting of Palestinians and expressed concern that the use of force to quell the intifadah had often been excessive and indiscriminate, a concern which his Government could not fail to share.

92. The violation of the civil and political rights of the Palestinians in the occupied territories was compounded by their economic situation and, in particular, by measures introduced by the Israelis, such as curfews, collective punishments and security restrictions, which had dealt a sharp blow to the Palestinian economy. While the search for a just and lasting political solution must continue, something must also be done to alleviate the economic and social plight of the inhabitants of the occupied territories.

93. His Government had taken practical steps to improve living conditions in that area by giving more than £1 million in bilateral aid each year, as well as £5.5 million each year to UNWRA. That was in addition to its share of substantial contributions made by the European Community, which provided vital health care and educational services. His Government, which had initially proposed the agreement to provide preferential access to European Community markets for Palestinian producers, called upon the Government of Israel to co-operate fully with Palestinian exporters under the terms of that agreement. The situation would continue to be closely monitored.

94. The alleviating measures which he had outlined, however beneficial, were no substitute for a political settlement. While that was not, of course, the direct concern of the Commission, its members should urge Israel to make greater efforts, pending such a settlement, to respect the fundamental human rights of the population of the occupied territories. In saying that, he recognized that others also had a part to play in improving the situation.

95. The best way for the Commission to signal its commitment to ensuring respect for the human rights of the Palestinians in the occupied territories was to adopt resolutions on the subject which were endorsed by all its members. For that to be possible, such resolutions must be expressed in balanced, objective and constructive terms. His delegation was ready to work with others to attain that end.

96. With regard to agenda item 9, he said that the right to self-determination was a right of peoples, not of the State or the Government of a State. Indeed, it was a right which peoples often had to assert against the encroachments of their Governments. The right to self-determination therefore always entailed the option of choosing a new social or political order in response to new demands.

97. The people must have regular opportunities to choose their government and social system and to change either or both if they so wished. That, in its turn, meant that each individual citizen must be able to exercise the other related rights guaranteed by the International Covenants on Human Rights, such as the right to freedom of thought and expression, the right of peaceful assembly, the right to freedom of association, the right to take part in the conduct of public affairs and the right to vote and be elected at genuine periodic elections.

98. That aspect of the right to self-determination had been prominent in recent months with the strong recrudescence of democracy in various countries of eastern Europe. Another recent example of the eventual triumph of the right to self-determination was the success of the Namibian elections in November 1989 and the unanimous adoption by the new Constituent Assembly in Namibia of the 1982 Constitutional Principles which provided for fundamental human rights and democratic safeguards. His Government would take enormous pleasure, when the time came, in welcoming the admission of the independent State of Namibia to membership of the United Nations.

99. In the neighbouring country of South Africa, progress towards self-determination was also taking place, albeit at a more modest pace. President de Klerk must be encouraged to follow up the positive steps he had already taken, which, it was to be hoped, would lead rapidly to negotiations between all the parties on a non-racial, democratic future for South Africa, where the fundamental rights of all, including political rights, were respected.

100. Afghanistan was another country where the right to self-determination was still being flagrantly denied. The encouraging signs of movement visible the preceding year had unfortunately lost their momentum. While his Government whole-heartedly welcomed the complete withdrawal of Soviet troops, that was only the first step in restoring to the people of Afghanistan their right to self-determination. The next step must be for the current illegal régime to step down so that the people of Afghanistan, including those who had had to

flee from their homeland, could freely determine their own future by a genuine act of self-determination. It was encouraging that General Assembly resolution 44/161 of 1989 on self-determination in Afghanistan had recently been adopted by consensus, and it was to be hoped that the Commission would have no difficulty in following that precedent.

101. The withdrawal of Vietnamese troops from Cambodia was a welcome step. Failure to reach a political settlement at the Paris Peace Conference in August 1989 had been a grave impediment to restoring the right to self-determination to the Kampuchean people. It was to be hoped, however, that current diplomatic activity, including the proposal for a United Nations role in an interim administration in Cambodia, would in due course lead to a resumption of the Paris Conference.

102. The re-establishment of Cambodia as an independent State under a freely elected Government was an essential prerequisite for the restoration of basic human rights in that country. It was also essential to prevent a return to the abhorrent policies and practices of Pol Pot and his associates in the Khmer Rouge, whose régime had been universally condemned.

103. His Government had been pleased to note that the Sixth Committee of the General Assembly had successfully concluded its work on the Convention on Mercenaries. The Sixth Committee was the appropriate forum for work on that subject, and the Convention in question having been drafted, further discussion of the matter in the Commission would be an unjustifiable diversion of time and resources.

104. Mr. RASAPUTRAM (Sri Lanka) said that the documents before the Commission gave ample evidence that the national rights of the people of Palestine, including their right to self-determination, continued to be denied them and that they were being subjected to increasingly repressive military measures and violence. In view of the significant progress made towards settling other regional disputes, the lack of progress in resolving the potentially dangerous Middle East issue was particularly unfortunate. His Government had always held that an international peace conference on the Middle East, which must be convened without delay, would be the appropriate way to find a solution to the conflict.

105. The pragmatic approach adopted by the Palestinian leadership on a negotiated settlement of the complex issue had yet to meet with a positive response from Israel. The overwhelming international opinion was that the denial of the inalienable rights of the Palestinian people, including its right to self-determination, was at the core of the Middle East problem.

106. The human rights situation in the occupied territories continued to deteriorate, the occupying authorities having resorted increasingly to indiscriminate repressive measures to crush Palestinian resistance. The death toll was rising, and the Security Council had deplored the continuing deportation of Palestinian civilians. The intifadah showed that the Palestinian people would not relent in its struggle to achieve its national and human rights. The international community was duty-bound to activate the peace process within the United Nations to remedy the injustice done to the Palestinians. Pending the convening of an international peace conference on the Middle East, the Commission should continue its consideration of the human rights situation in the occupied territories.

107. Mr. KAMINAGA (Japan) said that the question of Palestine lay at the core of the entire Middle East problem. The continuation of the intifadah showed that the Palestinian people remained determined to achieve liberation. Japan was deeply concerned about the recurrence of violence in the occupied territories and the reports of additional casualties in the civilian population. As the occupying Power, Israel must bear the responsibility for protecting the civilian population and must comply with the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949 (the Fourth Geneva Convention).

108. A peaceful solution to the Palestinian problem could be achieved only through negotiations among the parties concerned. Implementation of Security Council resolutions 242 and 338 and recognition of the Palestinian people's right to self-determination were prerequisites for any negotiations. A peaceful settlement required the withdrawal of Israel's armed forces from all the territories occupied since 1967, the recognition of the Palestinian people's right to self-determination, including the right to establish an independent State, and the recognition of Israel's right to exist.

109. His Government supported the serious efforts currently being made by all the parties concerned to initiate a dialogue between Israel and the Palestinians as a first step towards a comprehensive settlement. It reiterated its proposal to convene at an appropriate time an international conference to provide a framework for negotiating the issue.

110. Pending a settlement of the Palestinian question, the international community must provide assistance to the Palestinian refugees in the West Bank and the Gaza Strip, because that would be conducive to reaching a political settlement. Accordingly, his Government had been extending substantial support to UNRWA's activities on behalf of the Palestinian refugees in the region. In 1989, in addition to its regular contribution to UNRWA, it had decided to make a special contribution of approximately \$US 7 million to the Agency's emergency programmes in the occupied territories.

111. Over the years, his Government had been making both financial and food contributions. It had been providing technical co-operation, offering vocational training opportunities in Japan and dispatching Japanese experts to a vocational training centre in Jordan. It also rendered assistance through UNDP to projects aimed at improving the health of the people in the occupied territories and stimulating development.

112. Ms. de LEON ESCALER (Philippines) said she wondered whether the withdrawal of the Vietnamese occupation forces from Cambodia was genuine. The right to self-determination of the Kampuchean people was not a right to self-destruction, and it was not the right of a small group to impose its will on the majority. The sole purpose of self-determination was to promote the human rights of all the Kampuchean people.

113. Her delegation stressed the importance of General Assembly resolution 44/22 of 1989, whose implementation would enable a just, lasting and comprehensive political settlement to be found. A consensus had been reached at the Paris Conference on the first step towards a settlement of the Kampuchean problem: complete and internationally verified withdrawal of Vietnamese forces, a cease-fire, the establishment of an interim Government and the holding of internationally supervised free and fair elections.

114. The reason behind the deadlock at the Paris Conference, which revolved around exact definitions and modalities, was the refusal of certain parties directly involved in the Kampuchean conflict, abetted by Powers outside the region and part of their opinion-makers, to accept the proposition that only genuine reconciliation between all the Kampuchean parties could provide a true basis for peace.

115. Internationally supervised free, fair and democratic elections along would enable the Kampucheans themselves to decide their fate. The Khmer Rouge must be made a part of the peace process, because they too were Kampucheans. No one condoned the past atrocities of the Khmer Rouge, but if the Kampucheans themselves held free and fair elections, they would prevent the Khmer Rouge from returning to power.

116. By the same token, the Government installed by force in Kampuchea could not be allowed to remain without a valid mandate of the Kampuchean people. If a sovereign, independent, neutral and non-aligned Kampuchea was to emerge from the ashes of two decades of war, destruction and suffering, it must begin with a true national reconciliation. All Kampucheans must break with the past and forge a Kampuchea at peace with itself.

The meeting rose at 12.55 p.m.